

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

| | | |
|--------------------|---|--------------------------|
| STATE OF ILLINOIS, |) | |
| |) | |
| Plaintiff, |) | |
| v. |) | Case No. 17-CV-6260 |
| |) | Judge Robert M. Dow, Jr. |
| CITY OF CHICAGO, |) | |
| |) | |
| Defendant. |) | |

**AMENDED SUPPLEMENT TO COMMENTS OF THE FRATERNAL
ORDER OF POLICE CHICAGO LODGE NO. 7
PROPOSED CONSENT DECREE**

The Fraternal Order of Police Chicago Lodge No. 7 submits the attached signed statement of Patrick J. Murray in support of comments of the Fraternal Order of Police Chicago Lodge No. 7 to proposed consent decree. [Doc. 156]. This document was originally filed on November 12, 2018, and was inadvertently filed without a signature. [Doc. 657]

/s/Joel A. D'Alba
Joel A. D'Alba

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| Defendant. |) | |

STATEMENT OF PATRICK J. MURRAY

This is submitted by Patrick J. Murray to state his position on police promotions and the need for changes in the way in which they are determined:

I have been a Chicago Police Officer for twenty- nine years, and submit my personal statement on the issue of promotion issues raised in the consent decree section and they are consistent with those reflected in the Department of Justice report concerning promotions in the CDP. I have taken five sergeants and one detective examination. I have failed to be promoted from my position as a police officer.

In 1994, the Chicago Police Department Sergeant Exam was proctored by Arthur Anderson Consulting Firm. The results were catastrophic to the politicians of our City. Results were sent directly to the candidates, and there were no meritorious promotions. More than three-fourths of minority officers failed the examination.

In 1998, Ernst and Young proctored the examination and changed the testing process in two ways: 1) pass/fail for the first part; and 2) an assessment score for the second part.

Ernest and Young recruited exempt rank members of the Chicago Police Department to gather input for the upcoming exams. This allowed many members' input to the twelve to fifteen scenarios that the test was based on. Police officers in general were studying approximately 125 general orders in a three month period. Having inside information on what was on the test would benefit the test takers.

Thirty percent merit selection was also introduced. This would allow members of the department who did not score well to be "meritoriously" promoted. There are exempt members of the Chicago Police Department that have never been promoted off a promotions list by test score.

These many factors have caused an adverse impact on the officers who studied hard and ones without clout. The words a Chicago Police Officer learns almost immediately are clout, chinaman and juice. Does your chinaman have enough clout or juice to make a phone call to get you promoted? Change comes from the top and filters down. If you want to change the department you need to take the politics out of it.

Attached to this statement are a summary of my analysis of the prior promotional examinations, a statement of my work in the CPD and educational achievements, and newspaper articles that describe promotion problems. The article by John Kass, "Cop Exam Frustrates Alderman," was published in the Chicago Tribune on August 12, 1994, and the article written by Matt O'Connor, "192 Minority Cops Sue Over Sergeants Exam," was published in the Chicago Tribune on September 22, 1994.

Patrick J. Murray
1st Vice President
F.O.P. Lodge 7

Patrick J. Murray 11/19/18

Summary

I believe corruption of Chicago Police Promotional Examinations began as a result of the 1994 Sergeant Examination. The results were a catastrophe and created a political firestorm. Mayor Daley and other Aldermen were seeking re-election at this time. Mayor Daley decided at this time to ignore the recommendations of his own blue-ribbon panel and enact his own. His actions were in direct contrast to his own study-panel committee. Ernst & Young replaced Arthur Andersen & Co. as test consultant. I believe this may have happened because the City needed a consultant who would do exactly what they were told.

The City of Chicago Department of Personnel chaired by Glenn Carr also played a key role in the past three examinations. How they put together the final list of sergeants is still unknown at this time. The City of Chicago has previously been convicted in federal court, such as the Streets and Sanitation corruption trial. Meritorious promotions became a source of political favoritism to Aldermen in good standing for ward workers and even clergymen! Affirmative action was added even though the city was no longer under a court mandate.

The meritorious list awarded many candidates who did not fit the criteria. Exempt members voted for the members not based on their hard work but instead made deals to ensure that all "their" candidates were rewarded. Even to this day you have exempt members/superintendent's children taking special leadership classes even though they are not yet eligible for promotion. Who you know is more important than what you know!

Mayor Daley's nephew, Attorney Patrick Thompson, once told me "Being a good cop and being promoted has nothing in common." The former commander of the Mayor Daley Bodyguard Detail is alleged to have sold a sergeant's position. There was cheating on promotional examinations in which exempt rank members were aware of but did nothing. The Chicago Police Department is a family position for many members who may now be in their fourth generation.

The Fraternal Order of Police Union failed to do their job. They are supposed to be a watch dog group to ensure that the test would be monitored, to ensure fairness and that the results would be accurate. At anytime during the testing process they could have brought any improprieties to the media for an immediate investigation.

Ernst & Young received \$25 from each candidate who applied to take the sergeant's examination. They were obligated to conduct a test and produce accurate results for each individual. They chose to honor the City of Chicago's instructions and failed to give honest results on the assessment exercise.

The evidence is in the test results from many years of preparation. Had I not kept the scores from the past three examinations I would not have been able to notice a pattern. My average score on the 1998, 2002 and 2006 written qualifying test was 85%. My average score on the 1998, 2002 and 2006 assessment exercise was 63%. There is a -22% difference from the first to second part.

PATRICK MURRAY

3309 S. Emerald Ave. | Chicago, IL 60616 | (773) 551-9917 | patrickjmurray@att.net

QUALIFICATION PROFILE

Thirty years of law enforcement experience including twenty-three years with the Chicago Police Department. Fluent in law enforcement policy and procedures. Exceptional communication and decision-making skills. Recipient of 16 Department Honorable Mentions, 2 Department Salutes, 1 Complementary Letter, and Four Emblems of Recognition—Physical Fitness.

EMPLOYMENT HISTORY

Chicago Police Department 2007 — Current

Patrol Officer 001st District

- Foot patrol of designated areas within district
- Preliminary investigation of criminal activity
- Enforcement of traffic laws
- Initial incident report generation and court appearances for prosecution

Chicago Police Department 2001 — 2007

City Council Security Coordinator

- Supervision of patrol officers assigned to Chicago City Council
- Mayoral security detail during City Council meetings
- Regulation of City Council team's attendance and punctuality records
- Ensuring departmental community policing initiative compliance

Chicago Police Department 1989 — 2001

Patrol Officer 001st District

Patrol Officer 007th District

Patrol Officer 009th District

Tactical Officer — Mass Transit

- Patrol of designated areas within district
- Preliminary investigation of criminal activity
- Initial incident report generation and court appearance for prosecution
- Undercover assignment for CTA for detection and deterrence of criminal activity

Illinois Institute of Technology 1980 — 1989

Campus Police Officer

- Patrol of campus areas
- Responded to emergency service calls
- Completed necessary incident reporting

EDUCATION

- M.S. Criminal Social Justice, Lewis University, 2009
- M.S. Public Safety, Lewis University, 2004
- B.A. Criminal Social Justice, Lewis University, 2002 *High Honors*

from the yapping in the news these days, you might think that the most important thing in the world is baseball, when in fact there are far more serious topics worthy of a's contemplation. There's poverty, war, and the history of bras.

Probably never occurred to you that there is a place called the Museum, which is in New England, the Maldenform Museum, exhibiting that this week. It's the intimate apparel of three Marshall Field's stores at those polio ones!

Thursday noon at Field's on State and Braids Jan Viscum and Bob in '33, had made a special trip from their Cook County government jobs to reflect upon the bras' role in society.

It's a pseudo-intellectual excuse to look at women's bras," said Bob. It's hard to remember or believe and was depicted in the exhibit, "Resemblance set for take-off and capable of adult contents."

So, "I am searched for the bra that I wore in which four years bras that I like armor. So I'll be so," Jane Jelson. "I'll be so," Jane Jelson.

Wanted poster featuring a woman who looks like Ann-Margret from the hosiery up, she wears a boy hat, a neckerchief and a bra. "I'm in my Maldenform bra," says the woman. Star Flower. Reward. Just.

Coras ads," said Bob, "are a godsend to 14." "I was invented in Paris circa 1912 by a woman named Madame Caudelle. It was a braided version of the corset, an act of torture that went in and out of fashion the Bronze Age until the early century.

Coras, one of the world's biggest bra makers, entered the bra business in the 1920s, its reputation not just with the bra but with ads that add up to a lot of American attitudes about women.

Coras features two women who would be ashamed as denims if they were wearing something besides bras. "Madame Grace that Spells Charm," he ad.

school and during the summers since he was 14, sometimes juggling more than one job. A 1933 graduate of New Trier High School, he was to attend Loyola University in the fall, paying for

Having failed to persuade her to have an abortion, Wilhelm told police said, Kevin Schwall allegedly tried to do away with his obstacle in another manner. He

Kevin Schwall's story is one of a seemingly enterprising young man who compounded one mistake with another. If Schwall feared, that all he

and audiotaped him, passing an undisclosed amount of money to an undercover officer. In what police say was a murder-for-hire plot.

To his friends and acquaintances, Kevin Schwall was an easygoing youth, quick with a smile. See HTP Page 7

Cop exam frustrates aldermen

Results of hands-off test create friction during council hearings

By John Kass Tribune Staff Writer

Intellectual honesty was on the hot seat Thursday at Chicago City Council hearings, where politically sensitive aldermen were condemning something most were demanding a few months ago: for city government to get out of the business of testing police officers for promotion to sergeant, to develop a test considered unflinchingly objective and to score it without political favoritism or racial considerations.

Mayor Richard Daley and aldermen seeking reelection next year appeared to get what they asked for, but then they found themselves stuck with what amounted to politically incorrect results. Among those who scored in the top 500, to be promoted to sergeant, only 40 are black and 22 are Hispanic.

Ald. Jesse Evans (21st), an African-American, expressed the dilemma of his colleagues during hearings on the test before the council's Police and Fire Committee when he said: "It may be difficult at best to prove this test was unfair, but how can you prove it was not unfair? Nobody can support this."

So the frustration between what they wanted and what they got boiled over into heated exchanges between witnesses and aldermen.

The witnesses included Ruben Ortega, chief of the Salt Lake City police and a member of Daley's blue-ribbon study panel on police promotions. While the panel's recommendations were used to design the sergeant's exam, Ortega said he was among those unhappy with the



Ald. Dexter Watson (27th) (left) makes his point while questioning Salt Lake City Police Chief Ruben Ortega.



(right) a member of Mayor Richard Daley's police promotion panel and a witness at Thursday's hearings.



Tribune photos by Nancy Stone

For many of the aldermen, the hearings provided a chance to rhetorically slap around administration officials while playing to the gallery of spectators and the media.

Ald. William Beavers (7th), the committee chairman, was

brusque with Daley aide Cheryl Thomas, who bore the brunt of aldermenic anguish as council members accused her of various sins, including being "disrespectful" for suggesting that those who failed should study

harder. Several black aldermen said that by making that suggestion, Thomas was somehow dismissing the capabilities of her fellow African-Americans. Later, Thomas said she understood the

posturing. "I think it just comes with the territory," she said during a break. "I mean, I'm out here, and they're doing what they've got to do. That's life in the big

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or details!

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| een Set | \$428 | 398 |
| g Set | \$548 | 498 |

| | Reg. | Sale |
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| l ea. pc. | \$229 | \$189 |
| een Set | \$498 | 458 |
| g Set | \$698 | 658 |

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Cop exam

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But Ortega, also the former police chief in Phoenix, pushed back when Aldermen Dexter Watson (27th) and Ed Smith (28th) asked what he considered degrading questions.

For example, when Smith asked if he would be willing to take a lie-detector test on his role in making test recommendations to Daley, Ortega shot back: "That's insulting. I've been in law enforcement for 34 years. I won't take one. That won't happen."

After a heated exchange with Watson over his attempts to jump in with questions to witnesses even though he is not a member of the committee, Beavers recessed the meeting so "I could get a smoke."

Beavers wanted Watson to wait until committee members were through with questions to begin his questioning, and Watson accused Beavers of "disrespecting him."

"Some people never learn the rules," Beavers said later.

Unlike some other council inquiries, the Daley administration took particular notice of Thursday's event.

They provided dozens of charts and graphs to bolster their claim that Daley has been actively hiring minorities for the Police Department.

Included was a graph listing police employment levels comparing the period between 1983 to 1987 and from 1989 to the present.

The numbers favorably compared minority police hiring by the Daley administration to that of the administration of Mayor Harold Washington, the city's first black mayor, although Washington's name was not mentioned anywhere on the graph.

The Daley graph skipped 1988, when Mayor Eugene Sawyer held office.

The administration said that in 1987 the police force was 71 percent white, 22.5 percent African-American, 5.2 percent Hispanic, and 0.4 percent "other."

In 1994, whites on the police force made up 65 percent, African-Americans 25 percent and Hispanics 8.3 percent.

In 1983, there were 748 women in the department, or 6.1 percent. At present, there are 2,150 women on the force, or 17 percent.

But some at the hearing were not impressed by the Daley graph.

"You can have all the numbers you want, but the fact is that there was a test and only 40 out of 500 were black," said Ald. Robert Shaw (9th).

"And there's no way you can take that back to the community. It smells."

While African-American aldermen sought relief by demanding that quotas or something similar be implemented—even though the federal government prohibits race norming—white liberals also were confounded by the situation.

Ald. Joseph Moore (49th) found himself arguing that the Daley administration erred in interpreting the 1991 Civil Rights Act as forbidding race norming on test scores.

But when asked later if he considered it fair to boost or subtract from a candidate's test score because of their skin color, Moore said no.

"We've got to have a racially diverse police force," Moore said. "But no, I can't say someone should be punished because of their race. That's the problem in a



Members of Shellah Doyle's family—son Kevin (from left), daughter Kelly and husband Bill—leave the courtroom Thursday shortly after the jury convicted Antwon Tyler of her murder in July 1993.

Guilty verdict in nurse's slaying

Divided jury spares murderer from a death sentence

By Mark Caro
TRIBUNE STAFF WRITER

A jury Thursday convicted Antwon Tyler of the murder of Palos Township nurse Shellah Doyle, but declined to give him the death penalty.

"Hallelujah!" shouted Lucious Farmer Jr., who identified himself as Tyler's stepfather, immediately after the jury's decision to spare the defendant was announced. As he and other Tyler supporters exited the still-in-session courtroom, Farmer added over his shoulder, "And I'm sorry to the family."

The jury's decision to spare the 23-year-old Chicagoan averted what would have been strike three for Tyler.

Earlier, the jury took 2 1/2 hours, including lunch, to decide he was guilty of first-degree murder and armed robbery in the July 3, 1993, killing of Doyle, 40.

Then in the first part of the two-step death-penalty hearing, jurors took about 40 minutes to decide Tyler was eligible for the most se-

vere punishment.

After another hearing in which the two sides argued whether the death penalty was warranted, the jurors convened for about an hour and 45 minutes. They could not reach unanimity, which a death sentence requires.

Cook County Circuit Court Associate Judge Harry R. Buoscio set Sept. 9 for the sentencing hearing in the Bridgeview courthouse.

Members of the Doyle family were pleased with the guilty verdict, but less so with the death-penalty decision. "I'm a little disappointed, but if they can give him life in prison without parole, that's the next best thing," said Bill Doyle, the victim's husband.

When the guilty verdict was announced, Doyle said of his reaction: "As they say when someone wins a championship, 'Yes!'"

At day's end, Morton Zaslavsky, Tyler's attorney, was wearing a smile. He said the end result was what he had proposed to the state in the first place.

"This is the deal that was offered to them before we start you waive the death penalty, plead him guilty," Zaslavsky said. "They refused to do so."

After his arrest last August, Tyler had given investigators three statements: one in which implicated someone named M who had been dead for a week before the murder; one in which admitted killing Doyle; and one in which he killed Doyle but help from two friends.

In the third statement, said he shot Doyle in the after he shot Marcos Gray, 17, of Cago, and Gregory Jackson, 19, of Country Club Hills, followed home from work on night to the hood of her black Toyota Camry. Tyler had stated wanted to replace the one Jackson's mother's black C through which he had accidently fired a bullet.

Jackson and Gray also charged with first-degree murder and armed robbery, but they also will be held separately.

Deadbeat

CONTINUED FROM PAGE 1

a beauty consulting business and lives in Palatine with the couple's 12-year-old son Stephen.

Earlier this week, the Illinois Department of Public Aid notified federal authorities that Metzger owes \$7,540.35 in child support dating back to 1985. That information will ultimately be passed on to authorities in Florida so they can summon Metzger into court to explain why he is behind on payments.

Metzger's alleged arrears puts him nowhere near the top of the list of Illinois' deadbeat parents. Last year, a judge tossed a father in jail for failing to pay \$165,000 in child support.

"He [Metzger] is certainly not among the worst offenders in terms of amounts, but he still is not doing what a lot of responsible fathers do, which is to pay

their child support," said Department of Public Aid spokesman Dean Schott.

Metzger, 30, who grew up in west and northwest suburbs, moved in 1985 to Florida to play tennis. He prefers to talk to his campaign instead of his support problems.

But in a telephone interview did claim that he was getting a rap because Illinois officials hadn't credited him for some payments he did make.

His attorney, Lee Howard, Metzger is behind in his support payments, but put the amount at probably less than \$4,000. Howard said the disparity dated back to October 1992, when Metzger was ordered to make payments directly to his ex-wife rather than following the customary procedure of sending it through the circuit court clerk's office.

Once the clerk's office stop sending him reminder notes,



Gary Metzger, who reportedly owes more than \$7,500 in child support, is running for a seat in the Florida House of Representatives.

Rats

CONTINUED FROM PAGE 1

coming rarer.

"We used to find them like that all the time, but that was before the resistance," said Terry Howard, director of the Bureau of Rodent Control.

Outside rodent-abatement circles "the resistance" isn't an off-

In the 1930s, Karl Paul Link, a scientist at the University of Wisconsin at Madison, learned that improperly cured sweet clover was making cattle bleed to death.

Through years of research, he isolated, then learned to artificially create, a compound found in clover that stops blood from clotting, or an anti-coagulant.

By the 1940s, he figured out how to use the compound, coumatrin,

rat poison—rats that eat it, bleed internally until they die.

Extremators abandoned dangerous toxins like arsenic and strychnine, and with coumatrin, started winning the war against rats.

But by the 1970s, rats had developed genetic resistance to coumatrin, and the rodent population in Chicago and elsewhere started to rise.

ChicagoLand

192 minority cops sue over sergeants exam

Bias is alleged, but city defends promotion record

By Matt O'Connor
TRIBUNE STAFF WRITER

A controversial Chicago police sergeants exam will "turn back the clock to the discrimination of 1973," nearly 200 black and Hispanic officers charged Wednesday in a federal lawsuit challenging the 1994 test.

The suit alleges the city used a biased consultant, relied too heavily on a written test, promoted in order of rank, and refused to take affirmative action to minimize the effects of past discrimination.

More than three-fourths of the minority officers flunked the exam, nearly twice as many as white applicants, according to the suit. Only three blacks and two Hispanics were among the first 114 officers promoted since the January exam.

The claim by some city policymakers that black and Hispanic officers didn't study hard enough "embarrassed and humiliated and upset" each of the 192 plaintiffs, according to the suit, filed by attorney Kenneth Flaxman.

The suit seeks in excess of \$10,000 for each of the officers and asks the court to block the city from making promotions based on

the results of the exam.

Susan Sher, the city's corporation counsel, called the exam fair and said the city will vigorously fight the lawsuit.

"We're not happy with the results," she conceded. "We wish minorities had done better, but we think the process of the test was fair."

Sher disputed the suit's allegation that the Police Department has been guilty of racial discrimination in promotions for more than 20 years.

"Every time a promotion is made in the Police Department, somebody files a lawsuit, minorities or whites and sometimes both," she said. "All we're trying to do is promote as many minorities as we can to have a department that is reflective of the diversity of the city within the confines of the law."

The lawsuit warns that the exam, if left as is, will significantly reduce minorities at the sergeant level and further limit the number of minorities eligible for higher ranks.

Sher disagreed.

The percentage of minorities among the city's patrol officers increased to 37 percent in 1994 from 17 percent in 1973, while the number of black and Hispanic sergeants rose during the same period to about 28 percent, up from 10 percent.

The suit credits the intervention of the federal courts for the increases.



Filling in the gaps: Bricklayer go Department of Transportation stone joints along the Franklin St

Daley fights paying aldermen's legal bills

By John Kass
TRIBUNE STAFF WRITER

A day after the city agreed to pay \$95,000 to settle a lawsuit filed after the Harold Washington painting escapade, Mayor Richard Daley vowed to resist any effort by two aldermen and one former

cago in 1988 to take down a painting showing the city's first black mayor in women's lingerie, they were acting as outraged citizens and not carrying out any official duties.

"You can't have aldermen running all over and tearing things down, you just can't do it," Daley

every day? No. You'd go bankrupt," Daley said at a South Side appearance on another matter. "If I don't like a piece of art, in any building, you mean I can go in there under the auspices of being a public official and take it out?"

The settlement announced Tuesday involved a suit filed by the